

REMARKS

Claim Rejections

Claims 25-31 and 33-41 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over EP 0802527 to Oshima *et al.* ("Oshima") in view of the publication, *The Dynamic Digital Disk*, by A. Bell ("Bell"). Applicants traverse this rejection.

Addressing claim 25, the combination of Oshima and Bell does not disclose or suggest at least a recordable information recording medium wherein the distributed and encrypted record information can be decrypted by the encryption key recorded in the encryption key recording area, as recited in claim.

The Examiner states that, "Bell discloses that the DVD-Video specification which offers many features, is used by all major studios (p. 30, left column, 3rd full paragraph-5th paragraph) and that CSS scheme, in which a content encryption key is encrypted before being recorded in the lead-in area of a disk, is used as the encryption method for motion pictures in accordance with the DVD-Video specification (p. 32, left column, 3rd full paragraph; middle column, 2nd full paragraph)."

Applicants respectfully submit, however, that Bell merely discloses that information encrypted by the CSS scheme is recorded in DVD-ROM, ***which is not a recordable information recording medium.*** See Bell, page 32, fourth paragraph, which discloses that "Matsushita constantly refined its proposal for content encryption algorithm and device authentication procedure ***necessary for DVD-ROM products.*** Finally, its content-scrambling system (CSS) became the front runner."

Further, as disclosed in the second and third paragraphs in the middle column of page 32, "This content is selectively scrambled in line with the rules of the CSS, either at the studio or at

the disk production plant, *and then transferred to the DVD master recording*," and, "Playback of the replica may be on a stand-alone DVD-video player or a DVD-ROM drive." Therefore, in the DVD master recording, encrypted information is recorded in **DVD-ROM**, *which is not a recordable information recording medium*. Thus, Bell merely discloses that information encrypted by the CSS scheme is recorded in **DVD-ROM**, but does not disclose that the encrypted information is recorded *in a recordable information recording disc*, such as a DVD-R.

Bell also discloses that, "The copy protection system for DVD-video (and DVD-audio) must also prevent compliant playback systems from reading unauthorized bit-by-bit copies made to recordable DVD media. This is done by pre-embossing (or in the case of write-once DVD-R media, factory pre-recording) the sector reserved for the DVD-Video or DVD-Audio disc decryption keys. *As a result, the recordable blank cannot record a copy of the disc decryption key associated with a bit-by-bit copy's transfer of content, and while the copy itself is not prevented, it is impossible to playback.*" In other words, information may be copied from the DVD-Video discs into recordable DVD media, however, the information recorded in the recordable DVD media *cannot be played back*.

On the other hand, as claimed by Applicants, the distributed and encrypted record information can be decrypted by the encryption key recorded in the encryption key recording area. Thus, the encrypted record information *can be played back*.

Accordingly, even if one of ordinary skill in the art at the time the invention was made had been motivated to combine the references as attempted by the Examiner, the combination would still not result in the features claimed by Applicants.

Therefore, Applicants respectfully submit that 25 is patentable over the combination of Oshima and Bell. Claims 26, 31, 33, 34, and 37 contain features similar to the features recited in

claim 25 and are therefore patentable for similar reasons. Claims 27-30, 35, 36 and 38-41, which depend from one of claims 25, 26, 34 and 37, are patentable at least by virtue of their dependence.

New claims

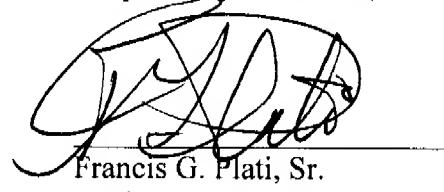
Applicants have added new dependent claims 42 and 43, which depend from claims 31 and 33, respectively. New claims 31 and 33 contain subject matter formerly recited in claims 42 and 43, thus, no new matter has been added. Applicants respectfully submit that these new claims are patentable at least by virtue of their dependence.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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